

1 T. JOSEPH SNODGRASS (MN# 231071) (*pro hac vice*)
Email: jsnodgrass@larsonking.com
2 KELLY A. SWANSON (MN# 330838) (*pro hac vice*)
Email: kswanson@larsonking.com
3 LARSON KING, LLP
2800 Wells Fargo Place
4 30 East 7th Street
St. Paul, Minnesota 55101
5 Telephone: (651) 312-6500
Facsimile: (651) 312-6619
6

Attorneys for Plaintiffs
7 MONTE RUSSELL and DANIEL FRIEDMAN

8
GLENN L. BRIGGS (SB# 174497)
Email: gbriggs@hbwillp.com
9 THERESA A. KADING (SB# 211469)
Email: tkading@hbwillp.com
10 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
11 Irvine, CA 92618
Telephone: (949) 450-8040
12 Facsimile: (949) 450-8033
13

Attorneys for Defendants
14 WELLS FARGO BANK, N.A.; WELLS FARGO &
COMPANY
15

16 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION
17

18 MONTE RUSSELL and DANIEL
19 FRIEDMAN, on behalf of themselves
and others similarly situated,

20 Plaintiff,

21 vs.

22 WELLS FARGO AND COMPANY
23 and WELLS FARGO BANK, N.A.,

24 Defendants.
25

CASE NO. C 07-03993 CW

JUDGE CLAUDIA WILKEN
COURTROOM 2

**STIPULATION RE EXTENSION
OF BRIEFING SCHEDULE ON
PLAINTIFF'S MOTION TO
STRIKE OR INVALIDATE RULE
68 OFFERS; ~~PROPOSED~~ ORDER
APPROVING EXTENSION**

26 Plaintiffs Monte Russell and Daniel Freidman ("Plaintiffs") and Defendants
27 Wells Fargo Bank, N.A. and Wells Fargo & Company ("Defendants"), through
28 their respective counsel, pursuant to Local Rule 6-2, hereby stipulate as follows:

1 WHEREAS, on September 11, 2008, Plaintiff filed a Notice of Motion and
2 Motion to Strike or Otherwise Invalidate Defendant's Rule 68 Offers of Judgment
3 ("Motion");

4
5 WHEREAS, on September 30, 2008, Plaintiff filed an Amended Notice of
6 Motion and Motion to Strike or Otherwise Invalidate Defendant's Rule 68 Offers of
7 Judgment, setting the hearing date on the Motion for December 11, 2008;

8
9 WHEREAS, on November 20, 2008, this Court approved the parties'
10 stipulation seeking a continuation of the hearing date to January 8, 2009;

11
12 WHEREAS, Defendant's response to the Motion is due on Thursday,
13 December 18, 2008;

14
15 WHEREAS, the parties have resumed and been engaging in extensive and
16 thorough settlement negotiations since September 2008 and have halted discovery
17 and other litigation pending settlement negotiations; and

18
19 WHEREAS, the parties wish to conserve their and the Court's resources in
20 the event that a settlement is reached.

21
22 NOW, THEREFORE, through their respective counsel, THE PARTIES
23 HEREBY STIPULATE AS FOLLOWS:

24
25 1. The hearing on Plaintiff's Motion is continued from January 8, 2009,
26 to February 19, 2009, at 2 p.m. The parties request that the February 19, 2009,
27 hearing also be used as a status conference in the event settlement is not reached.

2. The deadline for Defendant to file a response to Plaintiff's Motion shall be measured from the continued hearing date.

DATED: December 19, 2008 LARSON KING, LLP
T. JOSEPH SNODGRASS
KELLY A. SWANSON

By: /s/T. JOSEPH SNODGRASS
T. JOSEPH SNODGRASS

Attorneys for Plaintiffs
MONTE RUSSELL AND DANIEL FRIEDMAN

DATED: December 19, 2008 HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
THERESA A. KADING

By: /s/GLENN L. BRIGGS
GLENN L. BRIGGS

Attorneys for Defendants
WELLS FARGO BANK, N.A. AND WELLS
FARGO & COMPANY

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/23
_____, 2008

A handwritten signature in blue ink, appearing to read "Claudia Wilken", is written over a horizontal line.

CLAUDIA WILKEN
DISTRICT COURT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

I am employed in the County of Orange, State of California. I am over the age of 18, and not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, CA 92618. On this date I served the following documents:

**STIPULATION RE EXTENSION OF BRIEFING SCHEDULE ON PLAINTIFF'S
MOTION TO STRIKE OR INVALIDATE RULE 68 OFFERS; [PROPOSED]
ORDER APPROVING EXTENSION**

on the parties shown below:

William M. Audet (State Bar No. 117456)
Adel A. Nadji (State Bar No. 232599)
AUDET & PARTNERS, LLP
221 Main Street, Suite 1460
San Francisco, California 94105
ANadji@audetlaw.com
Telephone: (415) 568-2555
Facsimile: (415) 568-2556

T. Joseph Snodgrass (Pro Hac Vice pending)
Kelly A. Swanson (Pro Hac Vice pending)
LARSON KING, LLP
2800 Wells Fargo Place
30 East 7th Street
St. Paul, Minnesota 55101
Telephone: (651) 312-6500
Facsimile: (651) 312-6619



BY ELECTRONIC MAIL WHERE INDICATED:

Pursuant to C.R.C. 2060, I served the foregoing document described by emailing to it each of the aforementioned electronic mail addresses and the transmission was reported as complete and without error.



I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 19, 2008, at Irvine, California.

/s/Valerie Beechler

Valerie Beechler